



BOARD OF APPEALS

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# TOWN of BROOKLINE

*Massachusetts*

TOWN OF BROOKLINE  
BOARD OF APPEALS  
CASE NO. 060055

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Petitioners, Iris Sonnenschein and Eugene Wong, applied to the Building Commissioner for permission to construct a partial second level addition per plans at 247 Bonad Road, Brookline. The application was denied and an appeal was taken to this Board.

On August 31, 2006, the Board met and determined that the properties affected were those shown on a schedule in accordance with the certification prepared by the Assessors of the Town of Brookline and approved by the Board of Appeals and fixed October 12, 2006, at 7:15 p.m. in the Selectmen's Hearing Room on the sixth floor of the Town Hall as the time and place of a hearing on the appeal. Notice of the hearing was mailed to the Petitioners, their attorney (if any of record), to the owners of properties deemed by the Board to be affected as they appeared on the most recent local tax list, to the Planning Board and to all others required by law. Notice of the hearing was published September 21, 2006 and September 28, 2006, in the Brookline Tab, a newspaper published in Brookline. A copy of said notice is as follows:

## NOTICE OF HEARING

Pursuant to M.G.L., C.39, sections 23A & 23B, the Board of Appeals will conduct a public hearing to discuss the following case:

Petitioner: IRIS SONNENSCHN / EUGENE WONG

Location of Premises: 247 BONAD RD BRKL

Date of Hearing: 10/12/2006

Time of Hearing: 7:15 p.m.

Place of Hearing: Selectmen's Hearing Room, 6<sup>th</sup>. Floor

A public hearing will be held for a variance and/or a special permit from

- 1) 5.09.2.J; Design Review; Special Permit Required.
- 2) 5.20; Floor Area Ratio; Variance Required.
- 3) 5.22.3.b.3; Exceptions to Maximum Floor Area Ratio Regulations for Residential Units; Special Permit Required.

Of the Zoning By-Law to construct a partial second level addition per plans

at 247 BONAD RD BRKL

Said Premise located in a S-7 (Single Family) Residence District.

*The Town of Brookline does not discriminate on the basis of disability in admission to, access to, or operations of its programs, services or activities. Individuals who need auxiliary aids for effective communication in programs and services of the Town of Brookline are invited to make their needs known to the ADA Coordinator, Stephen Bressler, Town of Brookline, 11 Pierce Street, Brookline, MA 02445. Telephone: (617) 730-2330; TDD (617) 730-2327.*

Diane R. Gordon  
Harry Miller  
Bailey Silbert

Publish: 09/21/2006, and 09/28/2006

At the time and place specified in the notice, a public hearing was held by this Board. Present at the hearing were Board Members Lawrence E. Kaplan, Enid Starr, and Murray Shocket. Petitioner was represented at the hearing by Attorney Jeffrey P. Allen.

At the hearing, Michael Shepard, Zoning Administrator, distributed the Planning Board Report dated September 21, 2006.

Mr. Allen stated that this is a request for a modest addition of this property at the rear of the dwelling. 247 Bonad Road is a 2 ½ story brick and stone exterior single-family house situated on Bonad Road halfway between Grassmere Road and Independence Drive. An asphalt driveway exists to the north of the building and leads to a garage in the rear corner of the lot. The neighborhood consists primarily of single-family residences similar in size to the subject property.

The Petitioners, Iris Sonnenschein and Eugene Wong, are proposing to build a 255 square foot addition above the existing single story portion of the building at the rear of the dwelling. The new addition will be within the footprint of the existing dwelling, approximately 22 feet wide by 12 feet deep. The roof of the addition would tie in to the existing hipped roof. Five glass block windows would be installed for the addition, which would provide space for a laundry room, two bathrooms and a dressing room.

Mr. Allen reviewed the zoning relief necessary for this project to go forward. The zoning relief required is as follows:

**Section 5.09.2.j – Design Review**

All new structures or additions that require relief under Section 5.22 and also require a special permit are subject to the design review standards listed under Section 5.09.4(a-l).



**Section 5.20 – Floor Area Ratio**

**Section 5.22 – Exceptions to FAR Regulations for Residential Units**

Under Section 5.22.3.c in the Zoning Bylaw, with amendments adopted in spring 2006, the Board may allow by special permit for additions less than 350 square feet if the resulting gross floor area is not more than 150% of the permitted gross floor area if a previous grant under Section 5.22 has not been issued.

	<u>Allowed By Right</u>	<u>Allowed By Special Permit</u>	<u>Existing</u>	<u>Proposed</u>
FAR	0.35	0.42	0.37	0.41
Floor Area (s.f.)	2,027	2,432	2,142	2,397
% Over Allowed		120%		117%

The Chairperson asked if any members of the public wished to be heard on this matter and no individuals asked to be heard.

Michael Shepard, Zoning Administrator, gave the following report on behalf of the Planning Department:

The Planning Board has no objections to the proposed addition because the impact on the neighborhood will not be significant. The addition is designed to integrate well into the existing structure, with new exterior siding for the entire rear portion of the house and asphalt shingles to match the existing structure. The proposed addition does not expand upon the building's footprint, and would not be expected to cause any detrimental impacts, visually or by shading, to neighboring properties. The addition is a reasonable size to expand upon a single-family home. Therefore, the Planning Board voted unanimously (4-0) to recommend approval of the plans prepared by Magnetisme Design and dated July 20, 2006, subject to conditions.

Frank Hitchcock, Senior Building Inspector, spoke on behalf of the Building Commissioner. He restated the various sections of the Zoning By-law under which relief is needed. Mr. Hitchcock stated that the Building Department has no objections to the requested relief. He further stated that he will ensure that all State Code provisions are satisfied.

The Board having deliberated on this matter and having considered the foregoing testimony, concludes that it is desirable to grant all special permit relief that is requested.

The Board finds that the proposed alterations to the property will not be more detrimental to the neighborhood than the existing conditions. Rather, the proposed alterations to the property will be of benefit to the neighborhood because the structure will be in keeping with the character of the neighborhood. The Board finds that the proposed use will not remove any existing low-or moderate-income housing in the Town.

The Board further makes the following findings pursuant to Section 9.5:

1. The location, topography, vicinity and natural features of the site make it particularly suitable for the proposed alterations to the home.
2. The design of the proposed renovations and additions is in harmony with the prevailing character of the neighborhood.
3. The specific site is appropriate for a home of the size and character proposed.
4. The renovated home will not adversely affect the neighborhood.
5. There will be no nuisance or serious hazard to vehicles or pedestrians from the use as proposed.
6. Adequate and appropriate facilities will be provided for the proper operation of the proposed use.
7. The home, as renovated, will not have a significant adverse effect on the supply of housing available for low and moderate-income people.

Accordingly, the Board grants special permits pursuant to 5.09.2.j and 5.22.3.c of the Zoning By-Laws, subject to the following conditions:

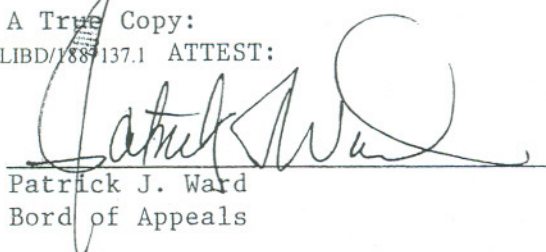
1. Prior to the issuance of a building permit, final plans and elevations with material specifications must be submitted to the Assistant Planning Director for review and approval.
2. The siding for the second floor addition must be the same as that used for the first floor directly beneath it.
3. The roofing shingles for the addition must match those of the existing structure.
4. Prior to obtaining a building permit, the applicant shall submit to the Zoning Administrator for review and approval for conformance to the Board of Appeals decision: 1) a final site plan showing dimensions stamped and signed by a registered architect or land surveyor; 2) final building elevations stamped and signed by a registered architect; and 3) evidence that the Board of Appeals decision has been recorded at the Registry of Deeds.

Unanimous Decision of  
The Board of Appeals

  
Lawrence E. Kaplan, Chair

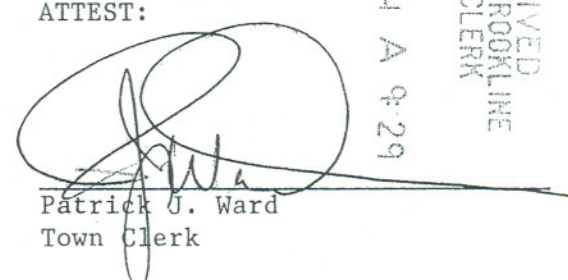
Filing Date: October 25, 2006

A True Copy:  
LIBD/188-137.1 ATTEST:

  
Patrick J. Ward  
Board of Appeals

Twenty days have elapsed and  
no appeal has been filed.

A True Copy:  
ATTEST:

  
Patrick J. Ward  
Town Clerk